

James A. Saville

From: Robert G. Clyne
Sent: Wednesday, March 23, 2005 7:14 PM
To: 'Christine Cusack'; 'wcbailey@simmsshowers.com'; 'bbrunk@gulfattorneys.com';
'jbartlett@semmes.com'; 'bcole@semmes.com'; 'agiles@semmes.com';
'clyon@semmes.com'; 'FJGorman@GandWlaw.com'; James A. Saville;
'berniesevel@aol.com'; 'jskeen@skaufflaw.com'; 'mhwhitman@ober.com';
'pkpalmer@ober.com'
Cc: Jeff Asperger
Subject: RE: Proposed Joint Motion

ABS objects to the motion. As we understand Magistrate Judge Bredar's opinion, the parties were to confer and resolve any discovery issues and make a joint motion if necessary (Memorandum p.3). We do not know what discovery issues exist and you have not bothered to contact either ABS or, as far as we know, Eurocarriers to so advise us. Your experts looked at the wire rope on 2 occasions following the ABS inspection and have had every opportunity to supplement their reports. Your motion contemplates that the fully submitted summary judgment motion must now be withdrawn and refiled in several months. This after resubmissions were necessary because you introduced inadmissible evidence in your motion papers. This is a colossal waste of the all of our clients' time and money and ABS cannot go along with it.

Please call us tomorrow to discuss your specific discovery issues and how we might be able to resolve them. Thank you.

Robert G. Clyne
Hill Rivkins & Hayden LLP
45 Broadway, Suite 1500
New York, NY 10006
Tele (212) 669-0600
Fax (212) 669-0698/0699

-----Original Message-----

From: Christine Cusack [mailto:ccusack@asplaw.net]
Sent: Wednesday, March 23, 2005 6:37 PM
To: 'wcbailey@simmsshowers.com'; 'bbrunk@gulfattorneys.com'; 'jbartlett@semmes.com';
'bcole@semmes.com'; 'agiles@semmes.com'; 'clyon@semmes.com'; Robert G. Clyne;
'FJGorman@GandWlaw.com'; James A. Saville; 'berniesevel@aol.com'; 'jskeen@skaufflaw.com';
'mhwhitman@ober.com'; 'pkpalmer@ober.com'
Cc: Jeff Asperger
Subject: Proposed Joint Motion

Attached is a Proposed Joint Motion to Modify Discovery Schedule (in both WordPerfect and Word formats) per Judge Bredar's Memorandum and Order dated Feb. 24, 2005. Please review same and submit any proposed changes to my attention before 1:00 p.m. CST at which time this Motion will be filed. Thank you.

<<Joint mtn. to modify discovery schedule.doc>> <<Joint mtn. to modify discovery schedule.wpd>>

Christine M. Cusack, Paralegal
Asperger Associates LLC
Three Illinois Center
303 East Wacker Drive, Suite 1000
Chicago, Illinois 60601
312.240.0930 (Direct)
312.856.9901 (Main)
312.856.9905 (Fax)

